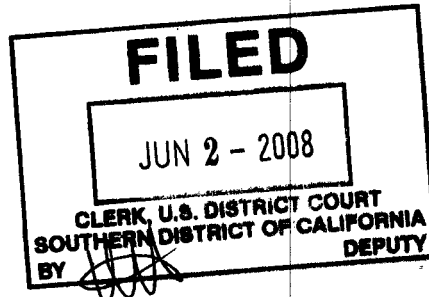


Eric Glover
2689 Dalisay Street
San Diego, California 92154



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEUTSCHE BANK TRUST
COMPANY AMERICAS

Plaintiffs

v

Eric Glover, JOHN OTTEN,
and DOES 1 to 5, Inclusive

Defendants/ Respondents

)
) CASE NO: 08 CV 0906 JM (LSP)
) **Notice of Appeal to the Appellate**
) **Court of Appeal/ Stay of Judgments**
)
) **Judicial Oversight and Denied Due Process**
)
) **and Equal Protections/ Exercise Right under**
) **Legislative Act which Grant the Defendants**
) **further Denied Summary Judgment and test**
) **state court validity or Absence of Personal**
) **Jurisdiction In California Courts**
) Rule of court 1230(a)(2) Special appearance challenging
the court's personal jurisdiction by motion to quash
) **this Controversy over \$300,000.00**

Notice of All Parties of Interest Please Take Notice,

The Respondents Eric Glover does 1-5 Appeal to the Appellate Court and stay of Judgment due to the following Reasons: Due to the Judicial Oversight and Political Opinions / Political Interpretations under the status of fraud of Legislative Act, 28 USC 1446 section 576 which grant Defendant the right to removal, the United States District Court Administrative Magistrate further error in his Political Interpretations Rule of court 1230(a)(2) **state Court is Absence of Personal Jurisdiction In California Courts**

Special appearance challenging the court's personal jurisdiction ,

Nor has Extra-Territory Reach over the Defendant/ nor does 1-5 who reserved right to challenge state jurisdiction Civil Code Section 4356. Special Appearance During Pendency of Motion. (a) During the time a motion pursuant to Section 418.10 of the Code of Civil Procedure is pending, the respondent may appear in opposition to an order made during the pendency of this part and the appearance shall not be deemed a general appearance by the respondent/ Rule of Court 1230 Motion to Quash Proceeding in state Court. (a)(2). And All Right reserved to set **Motion for summary Judgment in the United States District Court was denied by Administrative Judicial officer Judge Miller U.S. District Court .**

Judge Miller Knew or should have known , if the Controversy is about real Property that exceeds over \$300,000.00, and their no Property in San Diego County That under \$10,000.00 ,nor did the Constitution for the united states of America , give the Original Jurisdiction to superior Court any controversy over \$20.00 one has a right , a trial by jury under the rule of the common law, Separations of Power Act also grant Power Only to Article 3, Court Proceeding, and Not a special Maritime Extra-Territory Jurisdictions and the Political Conclusions of law by Administrative none -Article 3 court Judge miller is none other than a Conventional Victory for the Predator Investor lenders , who never received and order nor Quiet Title Judgment to proceed in state court, for this reason the general public at large is in Jeopardy, and this appeal is also to the International trade Commission, for Judicial Misconduct and sedition act against the public at large, etc.

May 30, 2008

Henceforth Submitted

Eric Glover

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

DEUTSCHE BANK
TRUST COMPANY)
AMERICAS)
Plaintiff)
vs.)
ERIC GLOVER)
JOHN OTTEN)
and DOES 1 to 5,)
INCLUSIVE)
Defendant)

NO. 08CV0906JM (LSP)

DECLARATION OF SERVICE

Person served:
DEUTSCHE BANK TRUST
COMPANY AMERICAS

Date served:

JUNE 2, 2008

I, The undersigned declare that I am over the age of eighteen years and not a party to this action; that I served the above named person the following documents:

NOTICE OF APPEAL

In the following manner: (check one below)

- 1) ☐ By personally delivering copies to the person served.
- 2) ☐ By leaving, during usual office hours, copies in the office of the person served with the who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left.
- 3) ☐ By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of his/her office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left.
- 4) ☒ By placing a copy in a separate envelope, with postage fully prepaid, for each address named below and depositing each in the U.S. Mails at San Diego, Ca on _____

DEUTSCHE BANK TRUST
COMPANY AMERICAS
WALL STREET
N.Y.C. NEW YORK

Executed on June 02, 2008 at San Diego, California

Ante M. Rojas

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7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 DEUTSCHE BANK TRUST

12 Plaintiff,

13 vs.

14 JOHN OTTEN, ERLINDA A. OTTEN,

15 Defendants.

CASE NO. 08cv0906 JM(LSP)

ORDER REMANDING ACTION TO
STATE COURT

16 On May 21, 2008 Eric Glover, an individual not named in the state court action,
17 filed a Notice of Removal of an unlawful detainer action filed against Defendants John
18 C. Otten and Erlinda A. Otten in San Diego Superior Court. Plaintiff commenced the
19 unlawful detainer action to remove the Defendants from property owned by Plaintiff.

20 The court sua sponte remands this action to state court. See Maniar v. FDIC, 979
21 F.2d 782, 785 (9th Cir. 1992) (the court may sua sponte remand an action to state court).
22 Federal courts are courts of limited jurisdiction. "Without jurisdiction the court cannot
23 proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases
24 to exist, the only function remaining to the court is that of announcing the fact and
25 dismissing the cause." Steel Co. v. Citizens for a Better Environment, 523 U.S. 83, 94
26 (1998) (quoting Ex parte McCardle, 74 U.S. (7 Wall.) 506, 514, 19 L.Ed. 264 (1868)).
27 Accordingly, federal courts are under a continuing duty to confirm their jurisdictional
28 power and are even "obliged to inquire sua sponte whenever a doubt arises as to [its]

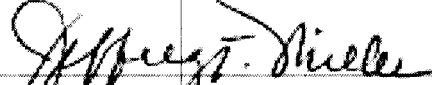
1 existence. . . .” Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle, 429 U.S. 274, 278
2 (1977) (citations omitted).

3 The state court complaint alleges that Plaintiff purchased the property under a
4 power of sale provision contained in the deed of trust executed by Defendants John and
5 Erlinda Otten. (Compl. ¶4). The complaint specifically limits the amount of damages
6 to an amount not to exceed \$10,000. (Compl. at p.1). As the court has diversity
7 jurisdiction only over civil actions “where the matter in controversy exceeds the sum
8 or value of \$75,000,” 28 U.S.C. §1332(a), the court lacks subject matter jurisdiction to
9 entertain the underlying action.¹

10 In sum, the court sua sponte remands this action to the Superior Court for the
11 County of San Diego.

12 **IT IS SO ORDERED.**

13 DATED: May 27, 2008

14 
15 Hon. Jeffrey T. Miller
United States District Judge

16 cc: All parties
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28 ¹ The court notes that Eric Glover, the party seeking to assert federal jurisdiction, fails to cite any authority permitting a non-party to remove a state court action to federal court.

Notice of Appeal Notification Form

To: Clerk, U.S. Court of Appeals
From: U.S. District Court, Southern District of California
Subject: New Appeals Case Information & Docket Fee Notification

Date: 06/3/08

Case Information

Case Title: Deutsche Bank Trust Company Americas v. Eric Glover, et al

U.S.D.C. No.: 08cv906 JM (LSP) U.S.D.C. Judge: Jeffrey T. Miller

Complaint/Indictment/Petition Filed: Complaint - Removal from Superior Court

Appealed Order Entered: 5/27/2008

Notice of Appeal Filed: 6/2/2008

Court Reporter: n/a

COA Status: ☐ Granted in full/part (appeal only) ☐ Denied (send clerk's file)

Docket Fee Notification

Docket Fee: ☐ Paid ☒ Not Paid ☐ No Fee Required

USA/GOVT. APPEAL: ☐ Yes ☒ No

Date F/P granted (Show Date and Attach Copy of Order): _____

Was F/P Status Revoked? ☐ Yes ☐ No

Companion Case(s): (Please list consolidated cases, if applicable) _____

Counsel Information

Appellant Counsel:

Eric Glover

2689 Dalisay Street
 San Diego, CA 92154

Appellee Counsel:

David R Endres
 The Endres Law Firm

2121 2nd Street
 Suite C 105
 Davis, CA 95616
 (530) 750-3700

Counsel Status: ☐ Retained ☐ Appointed ☒ Pro Se

Appointed by: _____
 (Attach copy of order/minutes)

Defendant Information

Prisoner ID Number: _____

Bail: _____

Custody: _____

SERVICE LIST

Counsel for Appellant(s) and Appellee(s), as listed on the previous page, have been sent copies of the following items:

x	Transmittal of U.S.C.A. (Appellant and Appellee)
x	Case Information/Docketing Fee Notification Form. (Appellant Only)
x	Notice of Appeal. (Appellant, Appellee, U.S. District Judge, USPO, and Court Reporter)
x	Docket Entries (Appellant and Appellee)
x	Designation of Reporter's Transcript and Ordering Form. (Appellant Only, mailed separately)
	Order for Time Schedule. (Criminal Only) (Appellant, Appellee, and Court Reporter)
	Magistrate Judge's Report and Recommendation
	COA Order
	F/P Order
	Minute Order
x	Other: Order remanding Action to the Superior Court of San Diego entered 5/27/2008

Form Completed And Documents Served By U.S. District Court Deputy Clerk:

Lauren Hammer

Deputy's Name

L. L. Hammer

Deputy's Signature

UNITED STATES DISTRICT COURT

Southern District Of California
 Office Of The Clerk
 880 Front Street, Room 4290
 San Diego, California 92101-8900
 Phone: (619) 557-5600
 Fax: (619) 702-9900

W. Samuel Hamrick, Jr.
 Clerk of Court

To: Clerk, U.S. Court of Appeals
 P.O. Box 193939
 San Francisco, CA 94119-3939

Re: **USCA No:**
USDC No: 08cv906 JM (LSP)
Deutsche Bank Trust Company America v. Otten, et al
 Clerk, U.S. Court of Appeals, enclosed herewith you will please find:

	Copy of the Notice of Appeal	x	Docket Entries
x	Case Information/Docket Fee Payment Notification Form		
	Order for Time Schedule (Criminal)		
	Original Clerk's Record in	set(s) of	volume(s).
	Reporter's transcript's transcripts in	set(s) of	volume(s).
	Exhibits in	envelope(s)	box(es) folders(s)
	Judgement Order		F/P Order
	CJA Form 20		Minute Order
	Certificate of Record		Mandate Return
	Magistrate Judge's Report and Recommendation		
	COA Order		
	Amended docket fee notification form		
	Order Appointing Counsel for Appeal		
x	Order remanding action to Superior Court of San Diego entered 5/27/2008		
	Please acknowledge on the enclosed copy of this transmittal		

Sincerely yours,

W. Samuel Hamrick, Jr.
 Clerk of Court

By: **L. Hammer**
 Lauren Hammer, Deputy

Date: 06/3/08